

HB 5959 and HB 5804
December 3, 2014

**STATEMENT OF DR. GARY RUDGERS FOR THE DOW CHEMICAL COMPANY
TO HON. FRANK FOSTER, CHAIR, HOUSE COMMERCE COMMITTEE**

This statement is offered in support of amending the Elliott Larsen Civil Rights Act (ELCRA) to include "sexual orientation and gender identity."

My name is Dr. Gary Rudgers and I am the Global Regulatory Leader for New Business within Dow AgroSciences, a 100% wholly owned subsidiary of The Dow Chemical Company. I hold a Ph.D. in Microbiology and Immunology from Baylor College of Medicine and have worked for Dow for over 6 years.

In addition to my role as Global Regulatory Leader within Dow, I also serve as the chair of the Company's Gays, Lesbians and Allies at Dow (GLAD) Network, an Employee Resource Group supporting gay, lesbian, bisexual and transgender employees within the company. GLAD is one of seven employee networks at Dow, promoting respect, tolerance and full inclusion among our diverse workforce. In 2015, our Network will celebrate its 15th anniversary and by working collaboratively with Dow's leadership since its inception, GLAD has helped Dow become a corporate leader in LGBT inclusion.

Dow was founded 117 years ago in Midland, Michigan. Dow's integrated, market-driven, industry-leading portfolio of specialty chemical, advanced materials, agricultural sciences and plastics businesses delivers a broad range of technology-based products and solutions to customers in approximately 180 countries and in high growth sectors such as packaging, electronics, water, coatings and agriculture. In 2013, Dow had annual sales of more than \$57 billion and employed approximately 53,000 people worldwide – 6,000 in Michigan. We put our science to work to provide solutions to the world's most challenging problems such as the need for clean water, clean energy generation and conservation, and increasing agricultural productivity.

Over the years, as we have grown and become a major player in the global economy, Diversity and Inclusion have truly become key elements of our corporate culture and has established our enduring Core Values of Integrity and Respect for People. Clearly, diversity underpins our workforce, our culture and, indeed, our business model. Simply put, we know we cannot solve the world's challenges, if we do not reflect the world.

In a highly competitive world where innovation is the key to securing competitive advantage, we know that it is our employees that are key to our success. As a result, we know that creating a respectful, inclusive working environment is not only a matter of fairness and equality, but also one of critical economic and business importance.

With a shrinking and ever more diverse talent pool – particularly in the sciences and engineering – it is essential for us to actively include everyone to ensure we attract, develop and advance the very best talent. As a company located largely in smaller rural areas, we must work even harder to have an identifiable employer brand to attract top talent. We see our proactive stance on diversity and inclusion as a key element of this brand.

At Dow, we are committed to attracting, developing and retaining a diverse workforce across all spectrums: race, color, religion, national origin, gender, sex, age, protected veteran status, genetic information, mental or physical ability, **sexual orientation or gender identity**. We first instituted sexual orientation in our employment non-discrimination policy in 2000 and we added protections based on gender identity in 2007. Our policy is embedded in our Business Code of Conduct allowing us to hire the best employees, with the greatest range of perspectives, and to ensure they can bring their whole selves to work.

Specifically, our Lesbian, Gay, Bisexual and Transgender (LGBT) policies have been good for our workplace for two main reasons: 1) retention of our employees has been enhanced, because they know that they can perform their jobs openly and with full support of their personal and family situation without fear of repercussion and therefore have more reason to be committed to the company in return, and 2) better recruitment of allies and younger workers, who often gauge inclusive policies as a litmus test for prospective employers.

Dow has been widely recognized for our work on LGBT issues and rights. This year marks the 10th consecutive year of recognition by the Human Rights Campaign (HRC) for our continued leadership of and commitment to LGBT rights in the workplace. We received a 100 percent rating on HRC's corporate equality index – a national benchmarking tool on corporate policies and practices related to LGBT employees. Dow has participated in the HRC index since its inception in 2002, and in 2005 was the first in the chemical industry to receive a perfect score.

In 2008, prior to my job interview at Dow AgroSciences, I first researched Dow Chemical's Non-Discrimination / Equal Employment Opportunity Policy to verify that sexual orientation was included in their policy, and it was! As an out gay employee at The Dow Chemical Company, the inclusion of sexual orientation in Dow's non-discrimination policy was essential for me prior to even applying for a position with the company. I would not work for an employer where I could not devote my entire self to my job. I need to work in an environment where I can freely express my ideas, opinions and views and not be afraid that if my boss or coworkers found out that I was gay I would be retaliated against, harassed, demoted or even fired for simply being myself. Fortunately, Dow provides me with this opportunity.

I had a choice of an employer that did not discriminate based on sexual orientation, but unfortunately not all LGBT Americans enjoy this same opportunity.

At Dow, we believe that innovating at the intersection of chemical, physical and biological sciences can generate new ways to solve challenges and exceed customer expectations. We believe that taking the extra step to be socially responsible does not hold us back, but instead sets us apart. We believe in the worth of our people, in the value of each individual employee and their differing experiences, backgrounds and perspectives. We believe in the power of difference. Every day, we strive to build a culture that embraces innovation, responsibility and diversity. It simply makes sense to us that we would not deny the right to work or advance to qualified, talented individuals on the basis of their sexual orientation or gender identity.

While Title VII of the U.S. Civil Rights Act, the Age Discrimination in Employment Act and the Americans with Disabilities Act prohibit employment discrimination in the United States based on race, color, religion, sex, national origin, age or disability, there is no federal regulation against discrimination in the workplace based on sexual orientation and gender identity and only 18 states and DC offer that protection in their civil rights laws. This needs to change. According to the Human Right Campaign

Foundation a majority of United States businesses have already started to address workplace fairness for LGBT employees, but further federal and state action would ensure this trend is adopted by all employers.

Dow strongly supports amending Michigan's Elliott Larsen Civil Rights Act to include protections for sexual orientation and gender identity, which we believe will have a positive impact on Michigan's ability to compete and attract the most highly qualified individuals. It wasn't a question whether The Dow Chemical Company should or should not include sexual orientation and gender identify in its non-discrimination policy, it was simply understood that it was the right thing to do...all employees deserve to work in an environment where they feel safe, valued, and respected, where they can perform their best and enhance the company's value regardless of their sexual orientation or gender identity.

Dow appreciates the chance to share our views regarding ELCRA. We strongly support amending ELCRA and stand ready to assist the Legislature in proving the business value of doing so.